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JAN 17 1992

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In the Matter of: )  
Administration of the North ) DA 91-1307  
American Numbering Plan )

REPLY COMMENTS OF  
MCCAW CELLULAR COMMUNICATIONS, INC.

McCaw Cellular Communications, Inc., by its attorneys,  
respectfully submits its reply comments regarding the need to  
commence an inquiry into the administration of the North  
American Numbering Plan ("NANP").

I. INTRODUCTION

In its opening comments, McCaw expressed three concerns  
with the current administration of the NANP:

First, the administration process is essentially closed  
to input from many industry segments, including wireless  
carriers. As a result, decisions regarding important matters  
such as NPA splits sometimes impose unique and substantial  
burdens on providers and users of mobile services.

Second, the assignment of numbering resources by the  
BOCs and Bellcore creates undue risks to mobile services  
competition. These risks are perhaps best illustrated by the  
apparently discriminatory assignment of NXX codes and the  
requirement that, in order to obtain codes, mobile carriers

disclose competitively sensitive information to affiliates of their primary competitors.

Third, Bellcore approaches the administration process from a wireline perspective that often is inconsistent with the unique needs of wireless services. Consequently, there is a significant risk that policies concerning critical issues, such as the need for mobile Service Access Codes ("SACs") and the assignment of interchangeable NPAs, will be dictated without due regard for mobile requirements.

McCaw accordingly urged the Commission to examine means of enabling all affected parties jointly to develop NANP policies and guidelines through an open, public, and accountable process. There is broad support in the record for such an inquiry, as several independent telephone companies, AT&T, and MCI mirrored McCaw's concerns and recommendations. Even the BOCs (with the exception of U S West) do not oppose an inquiry into the NANP administration process, although several seek to narrow its scope.

In these reply comments, McCaw will respond to the claim that the existence of industry forums and standards bodies ensures an open and fair NANP administration process. As is shown herein, those entities do not address many important NANP administration issues, they are dominated by the BOCs, and they are not intended to limit Bellcore's ultimate decision-making authority. Accordingly, while they provide some opportunity for dialogue, the existence of these bodies

does not minimize the need for a more open and accountable NANP administration process -- including the development of assignment guidelines for NXXs, NPAs, and other numbering resources through FCC rulemakings, as suggested by BellSouth.

In addition, McCaw will support the BOCs' request that cost recovery issues be considered in the NANP inquiry. Close examination of these issues is necessary in order to determine whether any charges are justified and, if so, to ensure that they are reasonable, that they recognize the costs incurred by mobile carriers, and that they are consistent with the principle of mutual compensation that underlies interconnection between mobile and wireline carriers.

II. THE COMMISSION SHOULD EXPLORE MEANS OF ENSURING AN OPEN, REPRESENTATIVE, AND NON-DISCRIMINATORY NANP ADMINISTRATION PROCESS.

There is ample support in the record for McCaw's request that the current NANP administration process be made more open and impartial. MCI, for example, cautioned that Bellcore "favor[s] its owners when contention arises over limited resources,"<sup>1</sup> and recommended that the Commission examine alternative NANP administration arrangements. AT&T urged the Commission to solicit comments regarding the "adoption of efficient, non-discriminatory procedures for the

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<sup>1</sup> MCI at 5.

North American Numbering Plan Administrator to follow ....<sup>2</sup> MFS explained that increased competition for exchange services warrants Commission intervention in order to ensure fair administration of the NANP.<sup>3</sup> United Telecommunications, in a request common to several independents, asked the Commission to assure that all affected parties have input into the development of administration guidelines, that the guidelines are published, and that they are fair and non-discriminatory.<sup>4</sup>

In contrast to this broad expression of concern from parties with no ownership stake in Bellcore, several BOCs and Bellcore itself simply asserted that the current process is fair.<sup>5</sup> In support, these parties stated that existing industry forums provide adequate opportunity for input and assure that the views of all affected parties will be

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<sup>2</sup> AT&T at 3.

<sup>3</sup> MFS at 5.

<sup>4</sup> United at 5; Centel at 3; Rochester at 3.

<sup>5</sup> See, e.g., NYNEX at 9; Pacific Telesis at 5; Southwestern Bell at 1; Bellcore at 3. McCaw wishes to emphasize that this off-hand dismissal of concerns regarding the administration process was not shared by all the BOCs. BellSouth, in particular, recognized the need for establishment of "a specific procedural framework and time frame for discussion and timely resolution of the many numbering issues facing the industry." BellSouth at 2. Moreover, as discussed below, BellSouth urged the Commission to initiate rulemaking proceedings to develop assignment guidelines for many NANP resources -- a recommendation that McCaw strongly endorses. Id. at 8-9.

considered in the NANP administration process.<sup>6</sup> As is discussed below, however, these industry forums and standards bodies -- while creating valuable opportunities for interacting with other industry members -- in no way diminish the need for an inquiry into means of further opening the administration process.

As an initial matter, these entities do not have any input into many assignment and administration issues. For example, no forum or committee decides how NXX codes should be allocated; this decision is made by each individual BOC (and GTE in some areas) pursuant to largely undisclosed and idiosyncratic policies.<sup>7</sup> Nor do industry bodies decide when

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<sup>6</sup> See, e.g., Pacific Telesis at 6; Southwestern Bell at 1; U S West at 2-5; Bellcore at 4. In addition, Pacific Telesis, alone among the BOCs, claimed that the industry "has developed guidelines and procedures for [the NANP Administrator's] use in assigning most of the codes listed," which ensure that "everyone is treated fairly." Pacific Telesis at 7. McCaw does not believe this is accurate. First of all, no industry-developed, published guidelines exist for such critical matters as assignment of NXX codes, Service Access Codes, and the new interchangeable NPAs. Moreover, even where guidelines do exist and are widely disseminated, Bellcore is accountable to no one in its administration of those guidelines. Accordingly, even policies that are non-discriminatory on their face do not ensure equal treatment of all affected parties.

<sup>7</sup> Last June, the Common Carrier Bureau asked Bellcore to institute an industry-wide effort to develop uniform NXX assignment guidelines. In response, Bellcore solicited input from industry -- but only regarding needs for NXX codes, not on the specifics of the guidelines. Nonetheless, several parties, including McCaw, offered suggestions for guidelines or asked for a role in developing the strawman guidelines. As McCaw reported in its opening comments, however, these requests were dismissed without explanation. Accordingly,

(continued...)

and how an NPA should be split; this decision, too, is made by Bellcore and the BOC serving the impacted area, typically without informing other carriers, let alone affording them an opportunity to provide input. Similarly, while industry forums have discussed the move to interchangeable NPAs -- which McCaw wholly supports<sup>8</sup> -- Bellcore alone intends to develop assignment policies for allocation of these new resources.<sup>9</sup>

Moreover, the ICCF, ECSA, and other industry bodies remain dominated by landline carriers, and consequently accord insufficient weight to the needs of wireless services.

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<sup>7</sup>(...continued)

Bellcore is drawing up guidelines without industry input, which it will release to the industry for comment before providing a final document to the FCC. This process allows too much discretion for Bellcore to determine what should and should not be included in the guidelines.

<sup>8</sup> McCaw agrees with the comments of several BOCs that the Commission should not defer plans to implement interchangeable NPAs in 1995. See NYNEX at 4-6; Pacific Telesis at 4-5. At the same time, however, McCaw recognizes that interchangeable NPAs may create confusion and customer dislocation. Accordingly, it urges the Commission to include in its NANP inquiry a request that parties offer suggestions for means of minimizing the adverse effects of the new NPA format.

<sup>9</sup> See Southwestern Bell at 2. Although Bellcore has issued a Long Term Numbering Plan for "a review and consensus process within the industry," *id.*, it alone will determine how the plan should be revised before finally publishing it in the second half of this year. In addition, while that Plan allocates 80 interchangeable NPAs for non-geographic use, it does not explain how this number was arrived at, why Bellcore thinks it will be sufficient, and what will happen if those codes are exhausted. Once again, this process reserves too much discretion to Bellcore.

While mobile carriers may participate in many of these forums, they are vastly outnumbered by the BOCs and independent telcos, and McCaw believes that the BOCs exercise disproportionate influence in the decision-making process.<sup>10</sup> The validity of this belief appears to be borne out by the requests of AT&T, MCI, and several independent telephone companies -- all of which participate actively in industry forums and standards bodies -- for a more open and accountable NANP administration process.

In addition, as McCaw detailed in its opening comments, mobile carriers have little reason to believe that the input they provide to Bellcore directly and through industry forums is given careful consideration. Although there are increasing opportunities for McCaw to explain its needs and express its concerns, its comments often are dismissed without explanation when Bellcore announces policies.<sup>11</sup>

Finally, as McCaw explained in its opening comments, in most cases the industry forums only make recommendations. The ultimate policy-making authority on NANP administration issues generally rests with Bellcore. Although McCaw does not dispute that Bellcore attempts to discharge its responsibilities in a public-spirited manner, the tremendous

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<sup>10</sup> Although many of the landline exchange carriers have mobile affiliates, it is McCaw's perception that their positions in industry forums are driven almost entirely by traditional landline considerations.

<sup>11</sup> McCaw at 6 n.2, 12 n.10, 13.

discretion it enjoys and the lack of accountability for its actions simply leaves too much room for decisions that do not serve the public interest.

In light of these considerations, McCaw reiterates its support for a broad Commission inquiry into the NANP administration process, in order to develop means of making that process more open, public, and accountable. In this regard, McCaw strongly endorses BellSouth's suggestion that the Commission initiate a rulemaking to develop uniform, non-discriminatory assignment guidelines for NXX codes, interchangeable NPAs, and other NANP resources. As BellSouth explained, "[p]rior to implementation, new NANP assignment guidelines should be adopted as formal FCC rules based upon a Commission finding that such guidelines are in the public interest."<sup>12</sup>

### III. THE COMMISSION SHOULD EXAMINE COST RECOVERY ISSUES ASSOCIATED WITH NANP ADMINISTRATION.

Several LECs asked the Commission to include in its inquiry an examination of the cost recovery issues associated with code exhaust and the move to interchangeable NPAs.<sup>13</sup>

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<sup>12</sup> BellSouth at 9.

<sup>13</sup> See GTE at 10; Pacific Telesis at 9; Southwestern Bell at 4; U S West at 6-7.



McCaw agrees that the Commission must determine how to treat these costs.<sup>14</sup>

All carriers have known, since at least 1986,<sup>15</sup> that the transition to interchangeable NPAs and the assignment of these new codes and other NANP resources will engender certain costs. In procuring switches, for example, McCaw has long factored in the need to ensure compatibility with interchangeable NPAs. Accordingly, it is not clear what costs the BOCs are referring to when they talk about cost recovered issues, and McCaw is not convinced that yet-to-be-incurred costs will justify any additional charges. The Commission therefore should seek to identify these costs, determine their magnitude, decide whether any charges are needed, and if so, from whom they should be recovered.

The Commission also should recognize that all carriers and their customers -- not just landline LECs -- are affected by the costs of NANP policies and assignments. As GTE explained, "a local exchange carrier may have costs of administering NXX codes, but cellular carriers also have costs administering NXX number changes in their switches to accommodate number changes initiated by others."<sup>16</sup> The same

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<sup>14</sup> See The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services (Declaratory Ruling), 2 FCC Rcd 2910, 2915-16 (1987).

<sup>15</sup> See Bellcore document TR-NPL-000275, Issue 1, (April 1986), Numbering Plan and Dialing Procedures.

<sup>16</sup> GTE at 10.

holds true for the costs of NPA splits and the adoption of interchangeable NPAs. Accordingly, if the Commission determines that a new cost recovery mechanism is needed, it should ensure that interconnection arrangements between wireless and landline local exchange carriers continue to reflect the principle of mutual compensation (either through mutual, cost-based changes or no inter-carrier compensation).


#### IV. CONCLUSION

The record strongly supports a Commission inquiry into means of making the NANP administration process open, public, and accountable. In parallel with this inquiry, the Commission should conduct a proceeding to develop guidelines for the assignment of NXX codes, interchangeable NPAs, and other NANP resources. Finally, the Commission should carefully examine NANP-related cost recovery issues.


Respectfully submitted,

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January 17, 1992

CERTIFICATE OF SERVICE

I, Jeffrey S. Linder, hereby certify that copies of the foregoing "Reply Comments" of McCaw Cellular Communications Companies, Inc. were served by hand and 1st-class mail upon the following parties this 17th day of January, 1992:

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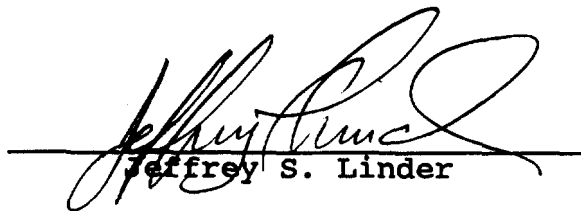
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